Petition and Remonstrance



2022 Annual Clerks Conference



1

Discussing

01 Understanding Controlled Projects

02 Phase I

03 Phase II

04 Resources

6/2/2022

2

Onderstanding ortrolled Projects

As defined in IC 6-1.1-20-1.1:

"controlled project" means any project financed by bonds or a lease

Petition & Remonstrance
IC 6-1.1-20-3.1 & 3.2
Petition for Public Question (Referendum)
IC 6-1.1-20-3.5 & 3.6







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3

Exceptions in IC 6-1.1-20-1.1

Payments made from funds other than property taxes that are exempt from levy limitations	Projects in response to a natural disaster, accident or an emergency that makes a building or facility unavailable for its intended use
Projects costing no more than the lesser determined by DLGF using the maximum levy growth quotient or \$1,000,000	Project of Little Calumet River Basin Dev. Commission payable from special assessments
Refinancing of Projects Federally mandated projects	A project for engineering, land and right- of-way acquisitions, construction, resurfacing, maintenance, restoration, and rehabilitation exclusively for local or arterial road and street systems or combination of both including designated bridges.

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Petition & Remonstrance Per IC 6-1.1-20-3.1Applies to:

- ❖ Controlled Projects for:
 - Elementary, middle, high, or other school building for academic instruction for any combination of grades K-12 and costs no more than
 - √ \$10,000,000 (before 2018), \$15,000,000 (only 2018)
 or DLGF determined (after 2018)

OR

√ 1% of total gross AV if > \$1 billion OR \$10 million is total gross AV is < \$1 billion
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5

Petition & Remonstrance Per IC 6-1.1-20-3.1Applies to:

- ❖ Controlled Projects for:
 - Other controlled projects not described about above and costing less than the lesser of
 - ✓ \$12,000,000 (before 2017), \$15,000,000 (2018), and DLGF determines 2019 (and after)

OR

- √ 1 % of total gross AV if > \$100 million OR \$1,000,000 if total gross AV is < \$100 million
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- ❖ School Bond Refunding under IC 5-1-5-2.5

6/2/2022



- A political subdivision decides to impose property taxes to pay debt service on bonds or lease rentals for a controlled project
- Publish notice in accordance with IC 5-3-1
- Send notice to the <u>Clerk</u>
- Conduct at least 2 public hearing to adopt Preliminary
 Determination to issue bonds or enter lease
- Publish notice of Preliminary
 Determination and send to Clerk

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7

Notice of Preliminary Determination

- 1. Maximum term of bonds or lease
- 2. Maximum <u>principal</u> amount
- 3. Estimated interest rates and total interest
- 4. Purpose of bonds or lease
- 5. Statement that owners and registered voters who want to initiate this process must file petition within 30 days of notice publication
- New and reopened schools estimated annual operating costs
- 7. If school expectation regarding appeal for new facility adjustment
- 8. <u>Current debt service levy & rate and estimated increase</u>

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8



Petition Forms

- Contact SBOA for current forms
- Voter Registration shall issue to the number of forms requested to owners of property or registered voters
- Each Petition Form must be accompanied by instructions







6/2/2022

9



Phase I Petition and Instructions

201K & 201L

Phase I - Petition

The Petition (with all counterparts) must be filed not later than 30 days after publication of the notice by the lesser of:

- 500 persons who are either owners of real property or registered voters, or
- 5% of the registered voters within the political subdivision

In order to go forward into Phase II of the process

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11

11

Phase I Verification and Certification

201M & 201N 6755.39,0,0,0 12826.99,0,0 10656.8,0,0 7905.07,0 938.9,0

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Phase I - Counting Signatures

- Voter registration office shall determine whether each person is a registered voter (up to 525 persons)
- If 525 registered voters have not been identified, provide copy of the petition to county auditor not more than 15 business days after receipt
- Not more than 10 business days after receipt, the county auditor shall provide verification of property owners – Form 201M
- Final determination to be made by the county voter registration office not more than 10 business days after receiving county auditor verification - Form 201N
- File 201N with governing body within 35 business days of receipt

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13

13



Signature Race

- If sufficient phase I petition certified
- The political subdivision must give notice of the petition and remonstrance process to go forward
 - ❖ Publication Notice
 - ❖Mail notice to Clerk



6/2/2022

14

Phase II - Notice

Statement that any owners of property within the political subdivision or registered voters residing within the political subdivision who want to petition in favor of or remonstrance against the proposed debt service or lease payments must file petitions and remonstrances not earlier than 30 days or later than 60 days after publication of the notice.

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15

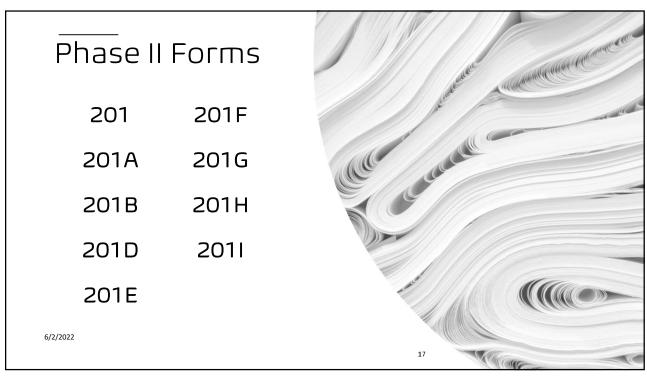
15

Phase 2 – Issuance of Forms

- Contact SBOA for current forms
- Forms cannot be issued before the 29th day after publication of the notice
- Voter Registration shall issue to the number of forms requested to owners of property or registered voters
- Again, each Petition Form must be accompanied by instructions

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16



17

Phase II - Filing Requirements

- Petitions and Remonstrances must be filed not earlier than 30 days and not later than 60 days after notice publication
- Date of signature may not be before the date on which the petition and remonstrance forms may be issued

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18

Removal of Signatures

- ■Form 201C used for both:
 - Petition (In Favor of)
 - Remonstrance (In Opposition of)



5/2/2022

19



Phase II – Counting Signatures

- Voter registration office shall determine whether each person is a registered voter
- Provide copy of the petition to county auditor not more than 15 business days after receipt
- Not more than 10 business days after receipt, the county auditor shall provide verification – Form 201J
- Final determination to be made by the county voter registration office not more than 10 business days after receipt of auditor verification - Form 2010

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21

21

Signatures

- Minor variations from the name on the voter registration
 records signature presumed valid
- ■Voter Registration shall apply the requirements and procedures in IC 3 to determine whether a person is a registered voter for purposes of voting except as stated in IC 6-1.1-20
- ■A person may only sign 1 time

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22

Signatures

IC 6-1.1-20-11

- If validity of signature is uncertain and not guided by this section of law, a reasonable doubt must be resolved in favor of validity
- names as printed or signed containing minor variationsfrom the county records signature is valid
- Addresses containing minor variations from the county records – signature is valid

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23

23

Signatures

IC 6-1.1-20-11continued...

- Substantial variations in name or address make the signature invalid
- •Signatures that do not substantially conform with county records are considered invalid. (Substantial conformity requires consideration to be given to whether this may be attributable to age, disability, or impairment of the individual)

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24

Phase II – Election During the Process

- If a petition or remonstrance is presented within 45 days before an election, the voter registration office may defer acting on the petition or remonstrance
- Time requirements for counting, copying, verification and certificates do not begin to run until 5 days after the date of the election

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25

Phase 2 – Certificate

- Voter Registration must certify within 35 business days unless forms exceed 10,000 signatures
- 5 additional days to review and certify per each additional 5,000 signatures
- Maximum time for certification is 60 days

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26

Flow Chart

https://www.in.gov

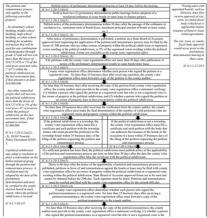
/dlgf/files/210325-

Flow-Chart-

Petition-and-

Remonstrance.pdf

Construction Project Petition and Remonstrance Process*
for bond issue or leuse rental with a perliminary determination after December 31, 2020.



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27



- IC 6-1.1-20-10 and IC 6-1.1-20-10 Restrictions on promoting a position
- IC 36-4-3-11 Annexation (Process only for Auditors)
- IC 36-12-5-3 Expansion of Libraries (No SBOA Forms)



6/2/2022

28

Summary

This is a <u>legal process</u>. The information provided through out this presentation was mostly from statute. The county attorney should be consulted throughout the process.

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29

Contact Us:

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Phone:

(317) 232-2512



6/2/2022

30